UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1992/S-2/SR.2
11 March 1993

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Second special session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 30 November 1992, at 3 p.m.

Chairman: Mr. SOLT (Hungary)

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GE.92-14775 (E)

The meeting was called to order at 3.25 p.m.

LETTER DATED 16 NOVEMBER 1992 FROM THE AMBASSADOR OF THE REPUBLIC OF TURKEY TO THE REPUBLIC OF HUNGARY ADDRESSED TO THE CHAIRMAN OF THE COMMISSION ON HUMAN RIGHTS AND LETTER DATED 18 NOVEMBER 1992 FROM THE CHARGÉ D'AFFAIRES, A.I. OF THE PERMANENT MISSION OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE UNDER-SECRETARY-GENERAL FOR HUMAN RIGHTS (continued) (agenda item 3) (E/CN.4/1992/S-S/2 and E/CN.4/1992/S-2/3)

1. Mr. TOTH (Hungary) said that the fact that the Commission on Human Rights was meeting for the second time in three months in special session to consider the situation in the former Yugoslavia said a good deal about the continuing infringements of fundamental human rights in that country.

2. Hungary, which had supported the request for the convening of the present session of the Commission, was deeply concerned at the worsening human rights situation in the Serbian-controlled areas of Bosnia and Herzegovina. As an expression of its solidarity with the victims, Hungary was giving temporary transit assistance to 350 ex-detainees from camps in Bosnia and Herzegovina.

3. The Commission should play a catalytic role so that those responsible for human rights abuses would be brought to justice and their victims given fair compensation. In that respect, the idea of creating a commission to assess and further investigate specific cases in which prosecution might be warranted, as the Special Rapporteur had recommended in his first report, deserved due consideration.

4. The reports of the Special Rapporteur also brought out the fact that human rights standards were also being violated in parts of Bosnia and Herzegovina controlled by the Government as well as in the territory under the control of Bosnian Croats, although the violations paled in comparison to the systematic use of violence against ethnic Croatians and Muslims in the areas under Serbian control.

5. Regarding the United Nations Protected Areas (UNPAs), Hungary was seriously concerned that even the presence of UNPROFOR had not prevented the occurrence of various forms of ethnic cleansing against the non-Serb population. The situation was particularly alarming in the southern and eastern sectors.

6. The minorities in Serbia, particularly in Kosovo, in Vojvodina and in the Sandjak-Albanians, Hungarians, Croats and Muslims - continued to be exposed to the atmosphere of constant fear and insecurity and to atrocities aimed at forcing them to leave their homeland. The plan elaborated by the Government to settle tens of thousands of Serbs in territories with a large Hungarian majority was particularly alarming, and Hungary called on the international community to take appropriate measures to prevent the changing of the ethnic composition of those territories and to forestall new waves of refugee flows.

7. To enable the Special Rapporteur of the Commission to discharge effectively the formidable task assigned to him, it was essential to follow up his recommendation and provide him with the requisite infrastructure. A political settlement of the conflict had a "human rights" dimension which

required the Special Rapporteur to play a special role. One must deplore the fact that in spite of pressure from several Governments, the result of Mr. Mazowiecki's fact-finding missions had not been utilized to a sufficient extent.

8. Further, the establishment, pursuant to Security Council resolution 780 (1992) of a commission of experts to examine and analyse information relating to violations of international humanitarian law committed in the territory of the former Yugoslavia was highly significant. The extension of the mandate of UNPROFOR to enable it to react directly to human rights violations committed in its presence as well as to assist victims would also be of great importance. Hungary, fully shared the view of the Special Rapporteur on the need to deploy immediately a small number of human rights monitors in the territory of the former Yugoslavia, and in particular in Kosovo, Vojvodina and the Sandjak.

9. Mr. ENNACEUR (Tunisia) said that his country had once again supported the convening in special session of the Commission on Human Rights to consider the tragic situation in the territory of the former Yugoslavia, and in particular in Bosnia and Herzegovina.

10. The forceful reports by the Special Rapporteur of the Commission, Mr. Mazowiecki, confirmed that the principal victims of the serious violations of human rights and of humanitarian law committed in that territory were the Muslim population. It was also clear, as the Special Rapporteur emphasized in his latest report, that the principal objective of the conflict in Bosnia and Herzegovina was the establishment of ethnically homogenous regions and that ethnic cleansing was not the consequence of the war but rather its goal.

11. The many exactions that were increasing in number and the atrocities being committed were a challenge to the conscience of humanity and to the international community. The international community must assume its responsibilities fully and take a very strong position. Thought must be given to taking forceful measures against the instigators and authors of human rights and humanitarian law violations. Humanitarian aid and relief must be dispatched to the besieged populations, although respect for the independence and sovereignty of the Republic of Bosnia and Herzegovina must also be assured and the right of the displaced populations to return to their homes in conditions of security must be guaranteed.

12. Tunisia had always supported just and legitimate humanitarian causes and had always endeavoured to help in relieving human suffering. Thus, as soon as the conditions of security had been met, Tunisia had chartered as an emergency measure an aircraft transporting 15 tons of medicines and food products for the people of Bosnia and Herzegovina. Only recently, the President of the Republic had called on the Tunisian people, who had responded generously, to assist the children of Bosnia and Herzegovina as well as Somalia who were victims of the horrors of war.

13. He strongly supported the recommendations of the Special Rapporteur of the Commission on Human Rights. He urged him to continue his efforts in order to shed light on the human rights situation in that territory and to transmit his conclusions to the Commission at its next session.

14. Finally, he reminded the Commission that the Palestinians were also the targets of numerous violations of human rights.

15. Mr. VENERA (Czech and Slovak Federal Republic) said that his Government was deeply concerned at the human tragedy taking place in the former Yugoslavia and at the continuing massive violations of human rights, particularly in Bosnia and Herzegovina. His delegation wished to commend the Special Rapporteur of the Commission on Human Rights, Mr. Tadeusz Mazowiecki, for his activities and especially for his excellent reports. In order to resolve that tragic situation, it was necessary, first of all, for all parties to respect the cease-fire and to show genuine political will to resolve the conflict. Any political and material support to any of the parties must also be discontinued. The deterioration in the situation proved that only coordinated actions by the international agencies involved had any chance of succeeding. The cooperation and coordination between the United Nations, the International Conference on the former Yugoslavia, the European Community and the Conference on Security and Population in Europe (CSCE) of which Czechoslovakia was the current Chairman therefore needed to be strengthened.

16. Human rights and preventive diplomacy were priorities for the CSCE. At the beginning of November 1992, the Committee of Senior Officials of the CSCE had approved the organizational and financial implications of the three long-term CSCE missions to Kosovo, Vojvodina and Sandjak as well as of the preventive mission to Macedonia. CSCE experts would thus visit places where tensions were at their highest in order to encourage dialogue and to monitor the level of respect for human and minority rights. In the countries bordering the former Yugoslavia, the presence of monitors should prevent a spill-over of the conflict. The CSCE, together with the European Community, was also taking part in monitoring the implementation of the United Nations sanction regime.

17. The Czechoslovak Government also welcomed the decision taken in November 1992 by the Committee of Senior Officials of the CSCE on personal responsibility for war crimes in the former Yugoslavia. A set of measures had been established which should enable follow-up action to be taken on the basis of evidence collected concerning the violation of human rights and of international humanitarian law. Those who had committed war crimes and crimes against humanity must be brought to justice. The appropriate framework in that regard seemed to be the United Nations. The CSCE would give full support to the United Nations Commission of Experts established under Security Council resolution 7870 (1992) to examine how the principle of personal responsibility could be put into practice by an ad hoc tribunal.

18. In the course of the winter, it would be necessary to provide more intensive direct humanitarian assistance to save the thousands of homeless victims of the war and of ethnic cleansing. In addition to providing food, medicines and clothing, Czechoslovakia was building or delivering winter shelters. The humanitarian assistance was provided by the Federal Government, as well as by the Czech and Slovak Governments and by the Czech and Slovak Red Cross organizations in cooperation with the other humanitarian non-governmental and religious organizations.

19. Czechoslovakia had also dispatched a series of trucks with material assistance and one train with the technical support of the Czechoslovak army. The total aid to be furnished to refugees from the former Yugoslavia on Hungarian territory was more than Kcs. 2 million. Czechoslovakia had also made a direct contribution of over Kcs. 700,000 to UNHCR. Various Czechoslovak institutions had also provided assistance worth some Kcs. 130 million to resolve the problems of the inhabitants of the former Yugoslavia.

20. In view of the continuing armed conflict in the former Yugoslavia, it was also necessary to provide assistance to refugees from the former Yugoslavia who were currently on Czechoslovak territory. In recent months Czechoslovakia had admitted some 1,200 persons from the most vulnerable groups and the worst affected areas of the former Yugoslavia. It had been one of the first to react to the appeal launched by the President of the International Committee of the Red Cross to provide refuge for persons who had been in the dreadful detention camps.

21. Czechoslovak monitors were active within UNPROFOR in assuring the flow of humanitarian assistance and Czechoslovakia was also applying technical measures such as the arms embargo and sanctions in order to prevent an escalation of human rights violations.

22. The situation in Bosnia and Herzegovina was extremely serious. Entire communities were today threatened with extermination. In their interest as well as in its own interest, the international community must not confine itself to the role of mere spectator.

23. Mr. WALKER (Australia) welcomed the convening of the second special session of the Commission on Human Rights. The tragedy that was continuing unabated in the former Yugoslavia once again required the urgent attention of the international community. Australia congratulated Mr. Mazowiecki on his work and his three reports which demonstrated the scope and ferocity with which human rights were being abused.

24. The Special Rapporteur had concluded that the principal objective of the military conflict in Bosnia and Herzegovina was the establishment of ethnic homogeneous regions and that so-called "ethnic cleansing" did not appear to be the consequence of the war but rather its goal. The grim reality of ethnic cleansing was revealed in the reports. It was a calculated policy of terror, designed to expel whole groups of people from their homes on the basis of their nationality, race or ethnic background. The tools of that policy were murder, rape, detention and a catalogue of violations of other fundamental human rights. While stating that human rights violations were being perpetrated by all parties to the conflict and that there was violence on all sides, the Special Rapporteur made it clear that the Muslims were the principal victims and were virtually threatened with extermination and that the Serbian authorities, in the territories under their control in Bosnia and Herzegovina, the Yugoslav army and the political leadership of the Republic of Serbia must carry primary responsibility for those practices. Those conclusions were supported by the information available from other sources. The Australian Government categorically rejected those practices. It called on all parties to do what they could to stop the ethnic cleansing and called

specifically on the Republic of Serbia to use its influence with the Serbs in Bosnia and Herzegovina to end those practices immediately. It also reminded the other parties to the conflict that neither retaliation, reprisal or revenge could justify further atrocities.

25. Deeply disturbed by the confirmation of reports that serious violations of human rights had occurred in detention centres and camps in the former Yugoslavia, Australia recalled that the international community had demanded that all detention centres not complying with the Geneva Conventions should be closed and that any persons who had been detained arbitrarily or illegally should be released immediately.

26. Australia actively supported the Commission in its efforts to ensure that international attention remained fixed on the former Yugoslavia and to ensure that the infrastructure for investigating and punishing human rights violations, including crimes against humanity, were put firmly in place as quickly as possible. The message from the international community must be clear: all those who perpetrated or authorized such crimes would be held individually responsible and the international community would spare no effort to bring them to justice. The Australian Government fully supported the creation by Security Council resolution 780 (1992) of the Commission of Experts to investigate all violations of humanitarian law. It also believed that there was a growing body of evidence to suggest that the acts committed both in Bosnia and Herzegovina and in Croatia came within the scope of the crime of genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide.

27. The Commission on Human Rights was meeting in special session out of a common sense of urgency. As the Special Rapporteur had said, the violation of human rights in Bosnia and Herzegovina had not only continued but, in certain respects, had intensified, while no discernible progress had been made in the context of the efforts to stop the conflict. The onset of winter could exacerbate the impact of human rights violations and a further 100,000 people might die. Tensions were also seen to be mounting in other areas of the former Yugoslavia, particularly in Kosovo, in Vojvodina and in Sandjak where there were large ethnic communities which were under threat from the pernicious practices already chronicled elsewhere.

28. Australia supported the draft resolution proposed by the United States and Turkey and had joined in sponsoring it. The draft condemned in the strongest terms what was occurring in the former Yugoslavia and particularly in Bosnia and Herzegovina. As the draft resolution envisaged, close cooperation must be secured with the Commission of Experts and the Special Rapporteur must be given the necessary resources to carry out his mandate and to base monitors in the former Yugoslavia.

29. In view of the seriousness of the situation, as a matter of urgency, humanitarian assistance must be increased, security zones established in Bosnia and Herzegovina and humanitarian relief corridors opened to all besieged areas in Bosnia and Herzegovina. Those conclusions went well beyond the Commission's scope, but they required very careful consideration from the international community. It made common sense for the Commission to cooperate closely with other organs and agencies, particularly the United Nations

Security Council, the Third Committee of the General Assembly and UNHCR, as well as with the International Conference on the Former Yugoslavia. Efforts to relieve the suffering, to put an end to the fighting and to lay the basis for an enduring peace must be pressed forward with the utmost speed and determination. Only through coordinated international pressure at a number of levels would it be possible to achieve the necessary negotiated political settlement.

30. The CHAIRMAN announced that the meeting would be suspended to enable the Commission to take part in the ceremonies marking the International Day of Solidarity with the Palestinian People.

The meeting was suspended at 4.05 p.m. and resumed at 6 p.m.

31. Mr. KAUPPILA (Observer for Finland), also speaking on behalf of Denmark, Iceland, Norway and Sweden, said that the Nordic countries had fully endorsed the initiative to convene the second special session of the Commission since, regrettably, the massive human rights violations were continuing unabated in the territory of the former Yugoslavia, and especially in Bosnia and Herzegovina.

32. In conformity with the mandate conferred upon him by the Commission at its first special session, the Special Rapporteur had carried out two missions and submitted a total of three reports. Action had already been taken on some of the most urgent recommendations made by the Special Rapporteur. The Nordic countries had welcomed the extension of the mandate of UNPROFOR along the lines suggested by the Special Rapporteur as well as the establishment by Security Council resolution 780 (1992) of a Commission of Experts to receive and analyse information on alleged war crimes, of which, he feared, the mass grave at Vukovar was but one example. He hoped that the Commission would prevent further crimes against humanity in the region. The Commission should be given the resources and staff necessary to perform its work effectively. It would also be desirable for the United Nations and appropriate regional organizations to establish expeditiously an international tribunal to deal with war crimes. He noted the recent recommendation, in the CSCE context, to examine how an ad hoc tribunal could put into effect the relevant proposals made by the Special Rapporteur. Those responsible must be brought to trial and the ones found guilty must be punished. In that context, the Nordic countries wished to register their disappointment at the inability of the international community to neutralize heavy weapons in the conflict in the former Yugoslavia.

33. The situation continued to be a source of deep concern. In particular, the intolerable practice of ethnic cleansing must be brought to an end. Although human rights violations were continually perpetrated by all the parties to the conflict, the findings of the Special Rapporteur, as well as other evidence, indicated that the Serbian authorities in de facto control of certain parts of Bosnia and Herzegovina and in the United Nations protected areas, as well as the political leadership of the Republic of Serbia bore primary responsibility for the practice of ethnic cleansing. The victims of the conflict belonged to different minority and ethnic groups, but the Muslim and Croatian populations had clearly been the main targets of the policy of ethnic cleansing in Bosnia and Herzegovina.

34. The situation was equally disturbing in Kosovo, in Vojvodina and in Sandjak, where Albanians, Croats, Hungarians, Muslims and other ethnic groups continued to be victims of discrimination. All parties must refrain from the use of force, respect fully the rights of all and engage in a meaningful dialogue, under the auspices of the International Conference on the Former Yugoslavia, with a view to finding a lasting and satisfactory solution to a problem which threatened to have consequences reaching far beyond the region concerned. The Nordic countries fully supported the proposal for a constitutional structure in Bosnia and Herzegovina which was formulated on 28 October, and which would not only enable a complex political issue to be resolved but would also guarantee the rights and freedoms of all, whether minority or majority, in the future Bosnia and Herzegovina. They called upon all parties to continue negotiations, in the context of the International Conference on the Former Yugoslavia, in order to find an acceptable solution to the constitutional issue and to put an end to the tragedy. Efforts should also be made to prevent the ethnic conflicts from spilling over to other regions. Consequently, the Nordic countries welcomed the long-term mission in Kosovo, Sandjak and Vojvodina and the follow-up mission at Skopje organized by the CSCE.

35. In conclusion, the Nordic countries called upon the Secretary-General and appropriate United Nations bodies to implement the other urgent recommendations made by the Special Rapporteur. It was also essential to renew his mandate until such time as respect for basic human rights and fundamental freedoms was fully guaranteed in the region, furnishing him with adequate resources and the assistance necessary for his mission. A small number of human rights monitors based in the territory of the former Yugoslavia, as advocated by the Special Rapporteur, would certainly be a very sensible initiative. Finally, the five Nordic countries had joined the sponsors of the draft resolution aimed at a reversal of the appalling human rights situation in the former Yugoslavia.

36. Mr. ZUZUL (Observer for Croatia) said that at the outset he would like to express his appreciation to the Governments of Turkey and of the United States of America for their timely initiative. The overall situation and the continuing Serbian aggression in Bosnia and Herzegovina as well as in Croatia called for urgent and determined action to put an end to a conflict which had produced suffering and atrocities unprecedented in modern history. The international community had received ample information on that situation through the reports of Mr. Mazowiecki, who was assured of the support of Croatia.

37. The Special Rapporteur rightly pointed out that the policy conducted by the Serbian aggressor in different parts of the former Yugoslavia and particularly in Bosnia and Herzegovina and in the Croatian territory under the protection of UNPROFOR, had as its objective the establishment of a so-called "Greater Serbia" inter alia by "ethnic cleansing" and by barbaric human rights violations that had shocked the entire world. The Commission should therefore do everything in its power to remedy that situation, by making recommendations which would go beyond mere condemnation. The policy of ethnic cleansing carried out systematically against the Muslim population of Bosnia and Herzegovina had in effect all the features of genocide.

38. It should be recalled once again that Croatia had been a victim of aggression by the Serbian and Yugoslav forces and that it had been compelled to defend itself, more or less alone on the battlefield. In that regard, he wished to remark that the Special Rapporteur made an insufficient distinction between the conduct of the Serbian-Yugoslav side as an aggressor against Croatia and the Croatian side as a party forced to defend itself. However that important distinction between aggressor and victim must be the basis for any consideration of the situation in Croatia as well as in the former Yugoslavia.

39. Some of the views expressed in Mr. Mazowiecki's report seemed to reflect a concept of shared guilt, to the effect that all sides in the conflict had allegedly committed crimes with the difference that the Serbian-Yugoslav side could be blamed to a somewhat greater degree. That "equalization" of aggressor and victim of aggression was totally unacceptable and it was particularly regrettable to read in the report that "discrimination and other human rights abuses also occur in Croatia, in particular against Serbs, contributing to a feeling of insecurity and persecution on their part" (document A/47/666-/24809, para. 139). Such a statement did not help towards an understanding or resolution of the problem, and if it had been correct, why would so many refugees have accepted Croatia as their second home? He did not deny that some crimes had been committed against some members of the Serbian minority in Croatia, but such acts had never been and never would be part of Croatian official policy. On the contrary, the Croatian authorities had done everything possible to punish those crimes and bring those responsible to justice.

40. The dimensions of the human tragedy in Bosnia and Herzegovina had had a direct impact on Croatia. The figures spoke for themselves: some 130,000 people had been killed so far and some 60,000 had disappeared in only 9 months of warfare. Croatia had given shelter to more than 750,000 displaced persons and refugees and its total population was slightly over 4.5 million. That number included 280,000 Croatian displaced persons who had been forced to flee from the so-called United Nations Protected Areas to which they did not dare to return, a state of affairs which indicated how effective that protection really was! The process of returning these people to their homes had not yet begun, although it was a priority objective for Croatia. The 470,000 remaining refugees were mostly Muslims from Bosnia and Herzegovina, not counting those who had not been registered and who were staying with relatives or friends.

41. The prospects for the future were terrifying. Winter was approaching and the bad weather in Bosnia and Herzegovina would mean that less and less aid would reach those who needed it. The victims of starvation and cold would increase in number unless something was done very quickly. If the war in Bosnia and Herzegovina did not stop within a few weeks, tens and probably hundreds of thousands of people would die. How would the international community react to the violation of the basic human right of the right to life?

42. It should be borne in mind that the war had started with armed rebellion by a part of the Serbian minority in Croatia against the Croatian authorities and with the brutal attack by the so-called Yugoslav army against the Croatian

people. With the war approaching its end, it seemed obvious, first, that not all the members of the Serbian minority were to be blamed for the hostilities against Croats and, second, that once the war was over the Croatian people would have to live together with those members of that minority who had chosen armed resistance. Neighbours had to become neighbours once again.

43. To that end, the Croatian Parliament and Government had enacted various provisions regulating the status of all the minorities in Croatia and especially the Serbian minority. The most important was the Constitutional Law on Human Rights and Freedoms and the Rights of the National Minorities, adopted in December 1991 and supplemented in May 1992. Based on all international instruments dealing with human and minority rights, it envisaged cultural autonomy for the minorities and permitted national communities accounting for more than 8 per cent of the population to be represented in the Croatian Parliament and Government in proportion to their total number in the population as a whole. In the elections held in Croatia on 2 August 1992, Serbs had acquired 13 of the 120 seats in the House of Representatives of Croatian Parliament. Second, there was the law on amnesty promulgated in September, granting an amnesty to all those who had fought against Croatia unless they had violated the standards of international law. All prisoners eligible under that legislation should therefore be released immediately and all trials discontinued. It had not been easy to enact that law, for many people, including some parliamentarians, considered that Croatia had suffered too much to forgive. But the spirit of tolerance had prevailed and the law had been enacted and was being implemented. It had been something of a challenge which the Croatian people had taken up successfully.

44. In conclusion, he wished to state that the Republic of Croatia had been established as a democratic and welfare State whose constitutional system was based on human rights and freedoms. All national communities, all minorities and all citizens were to enjoy equal rights and equality before the law. The Republic of Croatia was ready to accept all the international commitments in that respect and to act accordingly, as it was ready to allow the international community to monitor the process of implementation of all its commitments, internal as well as international. Croatia therefore fully supported the recommendations made by the Special Rapporteur which offered the United Nations and the entire diplomatic community a sound basis for ultimately restoring peace to the territory of the former Yugoslavia.

45. Mr. TABET (Observer for the Holy See) said that the Special Rapporteur had described clearly and irrefutably the countless violations of human rights committed in the territory of the former Yugoslavia and which added up to a veritable policy of ethnic cleansing. The diagnosis offered by the Special Rapporteur was identical to that of the Holy See, which had stated on 16 September in the Committee of Senior Officials of the Conference on Security and Cooperation in Europe that a genuine war of aggression and ethnic territorial expansion was being waged.

46. The historical or even religious reasons sometimes adduced in defence of such a war in order to establish ethnically homogeneous territory were in fact nothing more than alibis which must be refuted. The diverse ethnic groups, races, cultures and religions of contemporary nations was their wealth and it was intolerable that a group, even a majority group, should decree the

disappearance of another on the pretext that it was different and a minority! Since the start of the conflict, the Holy See had tirelessly advocated dialogue among all the parties. It therefore hoped that the efforts undertaken to initiate a dialogue, particularly in the context of the London Peace Conference, would lead to an agreement deciding on an institutional political arrangement in Bosnia and Herzegovina and preventing the escalation of hostilities. But the international community, which seemed somewhat paralysed or even held hostage by the perpetrators of the discord and the violence, was asking itself what it should do in order to revive the peace initiative as a matter of urgency.

47. First, as the Special Rapporteur, the United Nations High Commissioner for Refugees and the President of the International Committee of the Red Cross had repeatedly recalled, every effort must be made to help the millions of destitute persons. The Holy See reiterated its commitment to use all the resources at its disposal, through Catholic relief organizations such as Caritas, to assist all those who were in need, whatever their ethnic affiliation or religion.

48. The international community must also continue to denounce strenuously all exactions committed against human rights. On one hand, the guilty could not go unpunished and, on the other, those who apparently wanted to impose their point of view by indiscriminate violence must be induced to change their attitude. The second special session of the Commission should help to generate feelings of humanity and solidarity and to avoid polarization which would be a further obstacle to peace.

49. Finally, the parties must be persuaded to find a fair and acceptable institutional solution for all in Bosnia and Herzegovina and in the other countries or regions of the Balkans, without favouring any one of the forces in relation to the others and without imposing a solution which would not be acceptable to all the parties involved.

50. The Holy See appealed to men and women of good will in each of the Balkan States and in particular those who exercised power for social and peaceful coexistence to be established in the name of common humanity.

51. Mr. MAZOWIECKI (Special Rapporteur of the Commission on Human Rights) said that at the conclusion of each of the two missions he had carried out since his appointment on 14 February as Special Rapporteur to investigate the human rights situation in the territory of the former Yugoslavia, he had submitted a report in order to explain the situation. He wished to conduct a third mission before the Commission's annual session and in particular to visit Macedonia and Slovenia.

52. During his first mission, he had concentrated on the most pressing problems, namely, in Bosnia and Herzegovina. He had been accompanied by the Special Rapporteur on extrajudicial, summary or arbitrary executions and by the Chairman of the Working Group on Arbitrary Detention.

53. In the course of his second mission, he had been able to pursue his investigations more thoroughly. In Bosnia and Herzegovina, in Croatia and in Serbia, he had visited several detention centres and refugee camps. The

Special Rapporteur on the question of torture, the Representative of the Secretary-General on internally displaced persons and two doctors, one of them a forensic surgeon, had joined the team from the first mission. During that mission the forensic surgeon had located a mass grave near to Vukovar. The site had been placed immediately under round-the-clock surveillance by UNPROFOR until the Commission of Experts established pursuant to Security Council resolution 780 (1992) could carry out an investigation at first hand in accordance with his request. Any further information he received on that case or on other sites of possible war crimes would be communicated to the Commission of Experts. He had wished to visit Kosovo, Sandzac and Vojvodina, where there was a danger that the armed conflict would spread, during his second mission.

54. The third report submitted by him the previous week to the United Nations General Assembly in New York (document A/47/666-S/24809) was an analysis of the current situation in the territory of the former Yugoslavia. Although it focused mainly on the region of Bosnia and Herzegovina, where the infringements of rights committed warranted priority attention, it also discussed other parts of the territory of the former Yugoslavia, including the areas under the protection of UNPROFOR and the provinces of Kosovo, Sandjak and Vojvodina, as well as the general situation in Croatia and in Serbia.

55. When reflecting on the shocking tragedy unfolding out in the heart of Europe, one could of course refer to the past but, at first hand that was sometimes done in a sometimes questionable manner and historical analogies were used to provoke feelings of mutual hatred. One should ask oneself about the role played by religion in that drama. The reply was that nationalities identified with a religion: the Serbs identified with the Orthodox Church, the Croats with Catholicism and the other Bosnians with Islam, which explained why they were frequently called Muslims. The war did not, however, have the features of a religious war. Finally, the emergence of independent and sovereign States from the former Yugoslavia was rendered particularly difficult by the presence of the different nationalities within those States.

56. Notwithstanding all those factors, there was no explanation as to how such a contempt for life and human dignity and such massive violations of the most fundamental human rights had come about. Ethnic cleansing was not the consequence, but the purpose of that war. It was, therefore, the primary reason why the war produced such serious violations of human rights. In order to create ethnically homogenous regions in Bosnia and Herzegovina, the Muslim and Croat populations were being forced to leave their homeland under threat. Mosques and churches were demolished and burned, objets d'art destroyed and cemeteries razed to the ground. All those acts were not only violations of the fundamental rights set forth in the International Covenants on Human Rights but also violations of the humanitarian rights established in the Geneva Conventions and its additional protocols.

57. Having noted the deterioration in the situation, particularly in Travnik, Trnopolje and Sarajevo, he wished to stress, as he had done in his first report, the fact that it was mainly the Muslim population that was threatened with extermination. The evidence available left no doubt as to responsibility. It lay primarily with the Serbian political and military leaders in Bosnia and Herzegovina. It was also clear that without the support

of the authorities of the Republic of Serbia and the command of the Yugoslav Federal Army, the policy of ethnic cleansing could not have been pursued. It must be said unequivocally that the objectives of that policy had been largely achieved since the Muslim population, but also the Croatian population, were fleeing in large numbers the regions controlled by the Serbian authorities and thousands of people were being held in detention camps. All their lives were in danger. The Serbs of Bosnia and Herzegovina also were victims of serious violations of human rights, particularly as a reaction to the policy of ethnic cleansing conducted by the Serbian forces but not necessarily in the context of a policy dictated by the authorities of Bosnia and Herzegovina. Those violations also required a firm reaction.

58. Similar acts were occurring, on a smaller scale, in the Croatian territories controlled by Serbian forces where UNPROFOR troops were stationed. As the terrorist attacks against the Croatian population and other ethnic minorities continued, the exodus also continued. However, those Serbs who opposed the policy of nationalism and hatred were also subjected to reprisals. Further, the courts in that region, for practical purposes were no longer in existence.

59. There was growing evidence to show that war crimes were being committed in the territory of the former Yugoslavia. Pursuant to Security Council resolution 780 (1992), a Commission of Experts had been established to investigate those crimes. Every effort must be made to enable the Commission to identify the perpetrators of acts considered as war crimes by international law, so that they could be brought to trial. Such measures would certainly dissuade those who did not respect the law of war.

60. The situation of human rights in the Republic of Serbia gave rise to very deep concern, particularly with regard to the Albanians in Kosovo, the Croats, Hungarians, Ukrainians, Slovaks and other ethnic groups in Vojvodina and finally the Muslims in Sandjak.

61. The Albanian population in Kosovo was being subjected to discrimination in various spheres, including education, health and employment. The police brutality directed against the demonstrators who had been calling peacefully for the University of Pristina, to be reopened, in October 1992, proved that discrimination had not ended. The attempts at mediation by the Federal Government of Yugoslavia had not so far yielded results.

62. In Vojvodina, the presence of paramilitary groups and the flow of Serbian refugees were causing the tension to mount. In certain villages of Sandjak located close to the border with Bosnia and Herzegovina, the Muslim population was being subjected to the policy of ethnic cleansing.

63. In Serbia, the political rights of the Serbian population itself, were very much curtailed. The democratic opposition was unable to speak out in the media, which was spreading the idea of an international conspiracy against the Serbs and depicted sanctions as blackmail against the Serbian nation.

64. Violations of human rights were also occurring in Croatia. The discriminatory measures based on nationality were aimed mainly against the Serbian population. The difficulty, and in some cases the impossibility

experienced by members of minorities in acquiring Croatian citizenship, the publication of lists of "enemies of the people" and other forms of pressure were creating a climate of insecurity among the Serbian population.

65. Thus far, the international community had not succeeded in bringing to an end the massive and widespread violations of human rights in the former Yugoslavia. However, the outstanding commitment of the members of the International Committee of the Red Cross, the Office of the United Nations High Commissioner for Refugees, the officers and soldiers of the United Nations forces and the members of charitable organizations to some extent mitigated the consequences of the conflict.

66. The establishment of permanent missions of CSCE monitors in Vojvodina, Kosovo and Sandjak might also have a preventive effect. It would also be desirable for the Commission on Human Rights to appoint monitors who would be located in the territory of the former Yugoslavia to investigate, under his direction, violations of human rights. He paid a tribute to the journalists who were revealing the truth about the events taking place in the former Yugoslavia, often at the risk of their lives.

67. In order to counteract the activities of the local media which were fanning the flames of hatred and prejudice, substantial assistance should be made available to independent and democratic press organs. Serious thought should be given to establishing an independent international agency to provide objective coverage throughout the territory of the former Yugoslavia.

68. The extent of the drama which the civilian population, particularly the Muslim population, was living through in the territory of Bosnia and Herzegovina called for rapid and coordinated action. In the first place, the prisoners should be released and the detention camps closed. States should also make commitment to the International Committee of the Red Cross to admit more prisoners as well as a proportion of the refugees living in centres like the one at Trnopolje, where their lives were in danger.

69. Moreover, security areas should be established in Bosnia and Herzegovina in order to guarantee the lives of the local population and the refugees. Those areas would be under the control of UNPROFOR troops in cooperation with UNHCR. Obviously, the intention was not to ratify the policy of ethnic cleansing but to save human lives.

70. Humanitarian relief corridors should also be opened towards besieged areas and cities.

71. After recalling that action by the United Nations depended solely on the political will of its States Members, he concluded by asking the Commission to adopt specific measures to save human lives and to end the atrocities rather than to confine itself to reiterating the principles already mentioned in the resolutions adopted earlier.

72. Mr. KAMAL (Pakistan) acknowledged with appreciation the timely initiative taken by the Governments of Turkey and the United States of America for the convening of the special session of the Commission on Human Rights. The fact that the Commission had had to reconvene just three months after its first

session was a measure of the gravity of the situation in the former Yugoslavia. It also demonstrated the non-compliance by the Serbs with the Security Council resolutions and the absence of measures to enforce compliance.

73. The Special Rapporteur's report made it clear that gross human rights violations were taking place on a massive scale. In the territory under their control, the Serbian authorities were conducting a reign of terror against the Muslim and Croatian populations. Hundreds of thousands of people were being forced to leave their homes and belongings in order to save their lives. The town of Sarajevo was dying and its population was desperate. As the Special Rapporteur pointed out, the Muslims were the principal victims of the Serbian aggression and it was they who were threatened with extermination.

74. The abhorrent practice of ethnic cleansing was not the consequence but the objective of the war. That objective had been largely achieved. with 70 per cent of the territory of Bosnia and Herzegovina in the hands of the Serbs, who constituted only 17 per cent of the population. The Muslims, who accounted for 40 per cent of the population, controlled only a few pockets of resistance under siege from the Serbs. UNHCR estimated that hundreds of thousands of people were under threat of death due to exposure and hunger during the winter unless effective measures were taken in time to assist them.

75. The response of the international community to the plight of Bosnia and Herzegovina had thus far been disappointing. The Serbs would discontinue their aggression and comply with the decisions of the Security Council only when the latter showed itself determined to apply Article 42 of the Charter of the United Nations. If applied judiciously, the principle of the use of force against Serbs need not drag the international community into the "quagmire" feared by some. As long as no action was taken to enforce the decisions of the Security Council, the people of Bosnia and Herzegovina must not be denied the right of legitimate self-defence set forth in Article 51 of the Charter. Moreover, it had not been the intention of Security Council resolution 713 (1991) to make it easier for the Serbian forces to conduct aggression against Bosnia and Herzegovina. The aggressor and the victim of aggression could not be equated and the report of the Special Rapporteur left no doubt as to who was the aggressor and who was the victim of aggression. The arms embargo introduced in Security Council resolution 713 (1991) should therefore be lifted selectively to allow Bosnia to acquire the means to defend itself. That measure would not involve an escalation of the conflict as the Serbs were likely to act with greater circumspection if faced by a well-armed adversary.

76. Pakistan was gratified that in resolution 777 (1992), the Security Council had recommended that the General Assembly should decide that the Federal Republic of Yugoslavia should apply for membership of the United Nations. It also hoped that following the adoption of Security Council resolution 787 (1992), the economic and trade sanctions imposed on Serbia and Montenegro would be enforced more vigorously.

77. As Mr Mazowiecki showed in his very thorough report, the situation in Bosnia and Herzegovina had deteriorated alarmingly since the first special session of the Commission on Human Rights. The Commission must outline the

measures that must be taken urgently to end the suffering of the people of Bosnia and Herzegovina. There must be a cessation of hostilities by all parties, in particular the Serbian aggressors, who must raise the siege of Travnik, Gorazde and other towns, withdraw their forces from the areas and towns they had occupied, so that the people expelled from them could return to their homes and so that the territorial integrity and sovereignty of Bosnia and Herzegovina were fully respected.

78. The United Nations would have to deploy additional peacekeeping forces in order to protect the population against the Serbian aggressors, to enforce a ceasefire, to oversee the Serbian withdrawal and to protect humanitarian convoys. The Security Council must issue a clear warning to the Serbs that any attack on humanitarian convoys would lead to military retaliation. The international community would have to undertake to provide adequate financial and material resources in order to realize those political and humanitarian goals.

79. The evidence already available justified the establishment of an international tribunal to try and punish perpetrators of crimes against humanity. The Serbs who were committing atrocities in Bosnia must know that they would not go unpunished.

80. In conclusion, he said that the international community should take immediate action to restore the independence, sovereignty and territorial integrity of Bosnia and Herzegovina and to protect the human rights of its people, in conformity with the provisions of the Charter of the United Nations.

81. Mr. DICHEV (Bulgaria) said that his country was doubly alarmed at the flagrant and massive human rights violations in the former Yugoslavia, particularly in Bosnia and Herzegovina. The policy of ethnic cleansing, the changing of borders by force, arbitrary arrests and executions, torture and hostage taking were regarded by the Bulgarian Government as very serious violations of international humanitarian law. In that respect his Government fully supported Security Council resolutions 771 (1992) and 780 (1992).

82. A lasting and just settlement of the crisis must be sought in the context of a political dialogue among the countries concerned. The Republic of Bulgaria supported the efforts of the Geneva Conference on the Former Yugoslavia and believed that the meeting of Ministers of Foreign Affairs of the countries participating in the London Conference recently suggested by Mr. Gamev, the Ministry of Foreign Affairs of Bulgaria and currently Chairman of the United Nations General Assembly, would help towards the settlement of the crisis.

83. Bulgaria was of the view that international recognition of all the Republics of the former Yugoslavia would contribute greatly to ensuring respect for human rights in the region. Such recognition might also avert an extension of the conflict to other parts of the region.

84. The Republic of Bulgaria considered that the human rights situations of all minorities should be examined with equal vigilance, both in Bosnia and Herzegovina as well as in the other territories of the former Yugoslavia.

Those forces which imagine that they might achieve their nationalist goal through a policy of ethnic cleansing and fait accompli should be disabused. Bulgaria was strongly in favour of having those people found guilty of violations of international law, including the provisions of the Geneva Conventions and the additional protocols, reply personally for their acts. The Bulgarian Government was also in favour of giving maximum assistance to the Commission of Experts established pursuant to Security Council resolution 780 (1992).

85. The lives of tens of thousands of civilians, mainly in the besieged towns, were threatened by the arrival of winter. It was therefore vital that humanitarian aid should reach those populations.

86. Bulgaria was ready to give its share of humanitarian assistance to the extent of its possibility. It had already accumulated aid but, regrettably, had problems in respect of delivering it to Bosnia and Herzegovina.

87. Bulgaria associated itself with the recent appeal by religious leaders meeting in Switzerland for an immediate end to the war and to the inhuman practice of ethnic cleansing, for the release of all prisoners and the closing of the camps, for a resolution to be found to the serious refugee problem and for the dispatch of humanitarian aid to continue.

88. In his report, Mr Mazowiecki stressed the importance of providing objective coverage on the events taking place in the former Yugoslavia. The Bulgarian government also considered that disinformation could aggravate international tension and stir up inter-ethnic hatred.

89. To enable the Special Rapporteur to continue to investigate the massive violations of human rights in the former Yugoslavia, his mandate should be extended and he should be given the technical and financial resources to enable him to discharge his task.

90. In conclusion, his delegation hoped that the draft resolution to be submitted to the Commission, of which Bulgaria was a sponsor, would be adopted by consensus.

91. Mr. TIRONI (Chile) said that his delegation was deeply dismayed by the serious violations of human rights in the former Yugoslavia and appreciated the activities of UNPROFOR and UNHCR in the field.

92. Chile endorsed the conclusions put forward by the Special Rapporteur with regard to the need to take more effective action to stop the policy of ethnic cleansing, to open humanitarian relief corridors and to punish those responsible for war crimes.

93. Nothing could justify the policy of ethnic cleansing, the concentration camps, the torture, the rape, the execution of prisoners, the bombing of towns and the destruction of mosques and churches. Although the Special Rapporteur had noted that those crimes had been committed in all the regions that were in conflict, he had, however, specified that they were mainly the work of the Serbian party. The Serbian minorities of Croatia and of Bosnia and Herzegovina infringed the territorial integrity of both States while Serbia

placed considerable restraints on the autonomy enjoyed by Vojvodina and Kosovo. The Serbs were therefore adopting an attitude that was hegemonic and totalitarianism in the States where they were in a minority as well as in Serbia itself.

94. The Chilean Government was convinced that a settlement of the Yugoslav conflict entailed the full recognition of the fundamental human rights of the various peoples of the former Yugoslavia, respect for the territorial integrity of States, respect for the ethnic minorities in each of those States, recognition of the right to return of all persons displaced for ethnic reasons and finally the establishment of genuinely democratic regimes that protected individual freedoms and the cultural and religious identity for individuals and all groups.

95. His delegation wholeheartedly supported the measures taken by the United Nations to restore the primacy of the law in the region. It considered, however, that emergency interventions should be upgraded in order to halt, and if possible prevent, the serious human rights violations occurring in any part of the world. The Commission must achieve positive results if it was to prevent its credibility being damaged and the recurrence of events like those occurring in the former Yugoslavia.

96. Chile was particularly affected by the tragedy besetting the Yugoslav peoples as many Croats had emigrated to Chile and were worried about the plight of their relatives and friends who had remained in the former Yugoslavia. That did not mean, however, that Croatian born Chilean citizens any more than the Chilean Government felt any hostility towards the Serbs. That was why the Chilean Government felt that it was in a position to make an appeal to all the peoples involved, particularly the Serbs, to halt the terrible conflict and to learn to live together once again.

97. In conclusion, he said that his delegation wished to become a sponsor of the draft resolution that would be submitted.

98. Mr. DI LORENZO BADIA (Italy) said that his Government was anxious that the Commission's Special Rapporteur, Mr. Mazowiecki, should continue to discharge effectively the task assigned to him, in cooperation with the appropriate international entities and in particular with the international Commission of Experts recently established by the Security Council. Mr. Mazowiecki's reports had made it possible to denounce the gross and systematic violations of human rights and international humanitarian law committed in the former Yugoslavia, and especially in Bosnia and Herzegovina. They had shed light in particular on the policy of ethnic cleansing, which was the immediate cause of the forced exodus of entire populations and of acts of indescribable violence mainly against Muslims. Despite the continuing appeals by the international community to the parties to the conflict, the tragedy was worsening. In the face of those tragic events, his Government had fully supported the initiative of the Turkish and United States Governments to convene a second special session of the Commission as a matter of urgency. It also shared the views expressed by the representative of the United Kingdom, speaking on behalf of the European Community, and hoped that the Europe of the Twelve would be able to help to find a just solution to the Yugoslav crisis.

99. His Government recognized that the situation resulting from the disintegration of the former Yugoslavia was of an unprecedented complexity, but it could not agree to the use of force and violence to create ethnically homogenous regions and thus establish the bases for new political and institutional structures. Its position in that regard was very clear and had been confirmed repeatedly, in the course of bilateral exchanges and within the international forums. It had always opposed any solution based on the policy of the fait accompli and had at all times stressed the need to create conditions conducive to the return in security and dignity of refugees and displaced persons to their place of origin. In that context, it supported the constitutional plan for Bosnia and Herzegovina worked out in the International Conference on the Former Yugoslavia. It noted that Mr. Mazowiecki's second report (E/CN.4/1992/S-1/10) stated that serious human rights violations had also been committed in other regions of the former Yugoslavia, particularly in Sandjak, Vojvodina and Kosovo. Especially in Kosovo, the situation seemed to have deteriorated sharply and that was why it was essential for the parties concerned to reactivate as soon as possible the dialogue on the forms of autonomy for the province.

100. His Government appealed once again to the parties to the conflict, particularly the Serbs of Bosnia, for an end to the violations of human rights and the practices of ethnic cleansing, for the closing of the concentration camps and for all persons detained unjustly or illegally to be released. Further, it urged that observers from the international organizations, including the International Committee of the Red Cross should have free access to all places of detention and should be able to discharge their humanitarian task freely. Moreover, it considered that all those responsible for serious violations of human rights and of international humanitarian law should be held individually responsible for their crimes. It also appealed to the leaders of the Yugoslav Federal Republic, whose role in the quest for peaceful solutions to the conflict it had appreciated, to use their moderating influence with the Serbs of Bosnia. Finally, his Government would do its utmost to show the parties to conflict that the international community would not agree to their shirking commitments entered into subsequently in respect of human rights.

101. Mr. ITO (Japan) welcomed the initiative taken by the Turkish and United States Governments in proposing the second special session of the Commission and congratulated the Special Rapporteur, Mr. Mazowiecki on his reports on the situation in the former Yugoslavia.

102. The International Community could only be dismayed that armed conflicts and violations of human rights were continuing in many parts of the former Yugoslavia, especially in the territories of Bosnia and Herzegovina under Serbian control and whose Muslim population were the principal victims. The policy of ethnic cleansing, which was the direct cause of the overwhelming majority of human rights violations, was being systematically applied by the Serbian authorities in flagrant disregard of international instruments entered into by their leaders at the International Conference on the Former Yugoslavia.

103. His Government, together with the Governments of other members of the Security Council had supported the creation of a Commission of Experts to

investigate violations of international humanitarian law in the former Yugoslavia and hoped that the Commission would discharge its mandate in close cooperation with the Special Rapporteur of the Commission on Human Rights.

104. His Government was also concerned about the danger of violence spreading to Kosovo, Sandjak and Vojvodina and urged all parties concerned to act with the utmost restraint and to try to resolve the dispute through dialogue and with the assistance of the United Nations and other international organizations which could play a role in that regard. The international community had experienced immense difficulties in dealing with the humanitarian aspect of the crisis and that was why it was important for the Office of the United Nations High Commission for Refugees and the International Committee of the Red Cross to have access, in complete security, to the populations involved in the conflicts. His Government would continue to support those humanitarian organizations through financial contributions.

105. His Government fully supported the efforts by the International Conference on the Former Yugoslavia to find a political solution to the conflict. It strongly supported the proposal made by the Co-Chairman of the Steering Committee for a possible constitutional structure for Bosnia and Herzegovina and called on all the parties to honour the commitments they had made under the Statement of Principles and the Programme of Action adopted at the London Conference. It gave its entire support to the efforts deployed by the International Committee of the Red Cross to secure the liberation of detainees and was preparing to participate in the missions organized by the Conference on Security and Cooperation in Europe to monitor the long-term situation in the region.

106. In conclusion, his Government hoped that the Special Rapporteur would continue to monitor the human rights situation in all parts of the former Yugoslavia and would report to the next session of the Commission of Human Rights. It hoped that the Special Rapporteur would be allocated the necessary resources from the budget of the United Nations.

107. Mr. CHANDRA (India) said that the two reports submitted by the Special Rapporteur served to corroborate the extent of the tragedy taking place in the former Yugoslavia. Those violations of human rights had prompted his delegation to participate actively in the Commission's first special session and to support the convening of the second special session. It considered, however, that in accordance with Economic and Social Council resolution 1990/48, the convening of such special session should be the exception rather than the rule. It might perhaps have been preferable to have addressed the issue of the situation in the territories of the former Yugoslavia at the Commission's regular session in 1993, when it could have taken account of the deliberations in the General Assembly, assessed the impact of measures recently taken by the Security Council and reflected at greater length on the synthesis report by the Special Rapporteur. Further, while it was appropriate for the Commission to address itself to the heinous violations of human rights including the practice of ethnic cleansing taking place in the territories of the former Yugoslavia, and in particular in Bosnia and Herzegovina, it should not, however, go beyond its mandate and should respect the competence of other bodies to deal with the political or security aspects.

108. With regard to the Commission's own sphere of competence, namely, situations relating to human rights, it should be emphasized that the Special Rapporteur had held that the Serbian authorities in certain territories in Bosnia and Herzegovina bore primary responsibility for the practice of ethnic cleansing, but he had added that serious violations of human rights of Serbs also occurred both in Bosnia and Herzegovina and in Croatia. The Commission should accordingly demand observance of human rights by all parties. Further, with regard to the question of the proposal to assign staff to the territory of the former Yugoslavia, his delegation would like to point out that the Special Rapporteur had himself indicated in his first report that the multiplicity of international activities on the spot had limited the efficacy of such efforts. For that reason, his delegation wondered whether it would serve a useful purpose to detach additional staff to the region at a time when even UNPROFOR and the international relief agencies were finding it hard to fulfil their mandates. Moreover, the question of the security of the additional staff should be duly taken into account when taking a final decision on the matter. Finally, whatever measures were finally agreed upon, they should be regarded as exceptional and should be taken only at the specific request and with the prior endorsement of the parties concerned.

109. Mr. PAVICEVIC (Federal Republic of Yugoslavia) said that since the Commission's first special session there had been some progress towards a peaceful solution of the Yugoslav crisis and a number of confidence-building measures had been adopted to stop the war in Bosnia and Herzegovina, although the main objective of peace had not yet been achieved. Although not a party to the conflict, the Federal Republic of Yugoslavia was making every effort and using all its influence, within its possibilities, to bring about an end to the war, and it had fully accepted all the decisions adopted at the London Conference. It firmly believed that the crisis could be resolved only by peaceful means, with the assistance of the United Nations, the European Community and the CSCE and that, with respect to Bosnia and Herzegovina, a peaceful solution should be sought on the basis of the full agreement of its three constituent nations, Muslims, Serbs and Croats. In that regard, it had clearly indicated its support for the inviolability of existing borders between the republics of the former Yugoslavia, respect for internationally recognized obligations and human rights and fundamental freedoms, including the rights of persons belonging to minorities, the condemnation and cessation of the practice of ethnic cleansing, regardless of who was responsible, the urgent delivery of humanitarian assistance and the implementation of all relevant Security Council resolutions. In order to contribute towards the realization of a lasting peace, the Government of the Federal Republic of Yugoslavia had supported all efforts to demilitarize the territory of the former Yugoslavia as a whole, with the assistance of United Nations observers and UNPROFOR, and it was striving to prevent the creation of paramilitary forces and illegal armed groups. The Federal Republic had no territorial claims over Bosnia and Herzegovina or any other republic of the former Yugoslavia and had undertaken to respect fully the inviolability of existing borders, unless they had been changed by peaceful agreement. The report of the Secretary-General (S/24795) drew attention to the Federal Republic's constructive policy and the measures it was taking for the establishment of peace in Bosnia and Herzegovina and for humanitarian assistance flows. In spite of all that, the Security Council had introduced still more stringent sanctions against the peoples of Yugoslavia. Furthermore, the Serbs were

being systematically condemned and blamed, sometimes in advance, for all the problems arising in the territory of the former Yugoslavia. The press and media as a whole were conducting an intensive and violent campaign against the Serbian people, condemning it summarily, with the result that the international community had adopted a particular odious attitude of racial discrimination. The Serbs who had lived in Bosnia since time immemorial could hardly be considered as "aggressors" and neither could the Federal Republic be condemned for aggression in view of the fact that there were no Yugoslav troops in Bosnia and Herzegovina. The aggressor could only be the Republic of Croatia, which maintained an army of between 40,000 and 60,000 troops on the territory of Bosnia and Herzegovina, a fact which the Security Council itself had recognized. It was therefore imperative to condemn that aggression and to take the requisite measures, in accordance with Chapter VII of the Charter of the United Nations, as well as to stop distorting the facts by condemning only the Serbs; that in no way helped to resolve the conflict.

110. The Government of the Federal Republic of Yugoslavia had assumed office in very difficult circumstances due to the dissolution of the former Yugoslavia and the outbreak of the armed conflict in certain parts of the territory, as well as the serious economic situation caused, inter alia, by the sanctions imposed by the United Nations. It had, however, taken a number of measures, in cooperation with the authorities of the Republic of Serbia and the Republic of Montenegro to protect human rights and to implement democratic principles. Thus, with the full support of public opinion, it had strongly condemned the policy and practice of racial cleansing, irrespective of where it was applied and who was responsible for it. The Federal Republic had admitted more than 500,000 refugees, including some 40,000 Muslims and members of other nations, without any discrimination, despite its own economic difficulties. It was perfectly prepared to implement the recommendations made by the Special Rapporteur and to provide assistance, despite its limited possibilities, to the inhabitants of Bosnia and Herzegovina, irrespective of any consideration of religion or nationality. However, the report suggested that the Federal Republic of Yugoslavia was responsible for acts committed by Serbs in territory outside its jurisdiction. There again, such accusations and unfounded condemnation did not contribute to upgrading the human rights situation, and the facts must be established objectively. Further, it should be borne in mind that the Geneva Conventions did not apply to the Federal Republic since there was no armed conflict on its territory. Moreover, the international community was insufficiently informed of the suffering being inflicted on Serbs in Croatia and the persecution endured by them in the context of a flagrant policy of ethnic cleansing carried out by the Croats and which was compelling them to seek refuge in the Federal Republic.

111. As for the situation in Kosovo and Metohija, the Government of the Federal Republic of Yugoslavia considered that the province should continue to be autonomous within the Republic of Serbia. The CSCE mission which had visited the province in June 1992 had not reported any unusual military activity and Mr. Mazowiecki himself had adopted a positive attitude towards the initiatives taken by the Federal Government to improve the situation. The main obstacle continued to be the policy of secession pursued over a long period by leaders of some Albanian political parties; that policy represented a dangerous precedent for all multinational States. Thus, Albania directly supported the separatists in Kosovo and called for the withdrawal of the

Yugoslav army from the region. The policy of Albania and the support of some other countries constituted a direct threat not only to the political dialogue embarked upon but also to the stability of the entire region. With regard to the situation in Vojvodina and Sandjak, the assessment in the report of the Special Rapporteur was not based on the facts and did not correspond to mission reports by other international and non-governmental organizations.

112. He expressed the hope that the Commission on Human Rights, as well as the other appropriate international bodies, would assess objectively and support the sincere efforts made by the Government of the Federal Republic of Yugoslavia to seek a peaceful solution to the conflict and to ensure respect for human rights and fundamental freedoms in the territory of the former Yugoslavia.

113. Mr. NORDMAN (Observer for Switzerland) said that his Government associated itself very firmly with the condemnation of all the crimes against humanity and all the violations of human rights referred to by the Special Rapporteur, and strongly condemned the policy of ethnic cleansing. As the measures taken by the Security Council, the General Assembly, the Commission on Human Rights and the Conference on Security and Cooperation in Europe thus far had been to no avail, the time had come to strengthen humanitarian activities and to take firm measures under criminal law, particularly against the Serbian party, which bore primary responsibility for the violations committed. Among the crimes described in detail by the Special Rapporteur, his Government was particularly horrified at the unspeakable torture and barbaric practices against women in the context of the policy of ethnic cleansing, and it would like a separate chapter to be devoted to them in the Special Rapporteur's third report. His Government was also dismayed at the violations of international humanitarian law and particularly condemned the deliberate attacks on the civilian population and humanitarian workers, members of UNHCR or the ICRC, as well as on representatives of non-governmental organizations, and it called for an end to be made, once and for all to the obstacles and restrictions to the delivery of humanitarian assistance. It urged the opening of humanitarian corridors in order to bring relief to the besieged towns and the creation of security zones in conformity with the Geneva Conventions.

114. His Government was ready to take part in establishing machinery under which persons guilty of large-scale violations of international humanitarian law would be required to answer for their acts and criminals could be punished. It was already cooperating with the Commission of Experts established pursuant to Security Council resolution 780 (1992). Receiving a large number of persons displaced by the conflict, Switzerland, which recognized Bosnia and Herzegovina as a sovereign State, supported the right of return and the restoration of property, of populations that were victims of the policy of ethnic cleansing. Further, in view of the multiple violations of international humanitarian law committed in the various armed conflicts being waged throughout the world, Switzerland was planning to convene an international conference in 1993, the purpose of which would be the solemn reaffirmation of the rules of humanitarian law.

115. It was clear, however, that the solution to the conflict was a political one. Switzerland was taking part in the work of the International Conference

on the Former Yugoslavia, it supported the group which had drawn up a new federal constitution for Bosnia and Herzegovina, it implemented the measures adopted by the Security Council and approved the activities of the Conference on Security and Cooperation in Europe, of which it was a member. His delegation hoped that the Commission's special session would help to strengthen the machinery for implementing the decisions of the international community and to increase solidarity vis-à-vis all victims.

116. Mr. SHARAF (Observer for Jordan) thanked the Governments of Turkey and the United States of America for requesting the convening of a second special session of the Commission on Human Rights. The first special session had culminated in the adoption of a resolution and the appointment of the Special Rapporteur who should be thanked for the devotion with which he had discharged his task. Regrettably, despite all the effort deployed by the Commission and by other international organizations, the situation in Bosnia and Herzegovina had continued to deteriorate openly and publicly. All attempts made to assist the inhabitants of Bosnia and Herzegovina had been more or less unsuccessful and the aggressors had pursued their objectives with impunity, in flagrant violation of international law and the Charter of the United Nations. The international community must react more energetically than it had thus far and step up its efforts to put an end to the policy of ethnic cleansing, with all that that involved in the way of violations of human rights and of principles of international law.

117. The Commission on Human Rights had a significant role to play in that regard, and it should take firm and effective decisions. It should go beyond the stage of rhetoric and mere resolutions, which the Serbian authorities disregarded. Everyone was perfectly well aware who was the aggressor and who were the victims in Bosnia and Herzegovina and certain paragraphs in the two most recent reports by Mr. Mazowiecki, and more particularly paragraphs 134 to 136 of the third report (A/47/666), left no doubt as to the identity of the perpetrators of the massacres in that region. The reports also clearly indicated that the policy of ethnic cleansing was not a consequence but an objective of the war being waged on the territory of the former Yugoslavia. It was therefore obvious that the Commission must take concrete measures. Thus, in the draft resolution which it would adopt at the conclusion of the session, it should make a clear distinction between the aggressors and the victims in Bosnia and Herzegovina, recommend the establishment of security zones for the victims of the Serbian extermination policy before it was too late and reaffirm clearly that the war criminals would be judged collectively and individually and define how that would be done. The Commission should also recommend the lifting of the economic and military blockade of Bosnia and Herzegovina, the result of which had been to deliver, as it were, the inhabitants of Bosnia and Herzegovina to their enemies who were superior to them militarily. Finally, the Commission should recommend to the Security Council that it apply the principles laid down in Chapter VII of the Charter of the United Nations since it was the only way to dissuade the Serbian Government from pursuing its policy and to guarantee peace and security in the region.

118. The purpose of those suggestions was to make the resolution into an incisive and effective instrument which would help to resolve the conflict in the former Yugoslavia and promote respect for the principles of international

humanitarian law in that region. Resounding statements and resolutions had not brought about any change in the situation of the inhabitants of Bosnia and Herzegovina and the decisions taken by the various international entities had been to no avail. The time had come to take specific measures to end the aggression and violation of human rights in that territory and thus contribute to security and peace in all regions of the world.

119. Mr. BISLEY (Observer for New Zealand) said that New Zealand was appalled at the human rights and other abuses committed in Yugoslavia and described by the Special Rapporteur, Mr. Mazowiecki, in his three reports. Accordingly, it had supported fully the convening of a second special session of the Commission on Human Rights. The task of the session would be to identify concrete measures to help ameliorate the situation in the former Yugoslavia and to impress on the various factions the need to respect, protect and treat humanely civilians who were the main innocent victims of the conflicts, in conformity with the fundamental principles of international humanitarian law. As Mr. Mazowiecki had noted in paragraph 8 of his most recent report (A/47/666) "ethnic cleansing is the direct cause of the vast majority of human rights violations which have occurred in Bosnia and Herzegovina since the present human rights emergency began, in March and April 1992". That was why the cycle of human rights violations was bound to accelerate until that vile practice stopped. In no circumstances was the violation of human rights justified. Violations by all parties to the conflict should be condemned. The international community thus had an obligation to ensure that justice was done to the victims and to see that the guilty were punished.

120. Since the Commission's first special session, a Commission of Experts had been set up under Security Council resolution 780 (1992) to analyse information on violations of international humanitarian law committed in the former Yugoslavia. New Zealand considered that the Commission should, as a priority task, investigate the mass graves discovered by the Special Rapporteur and his team near Vukovar and, in general, should cooperate closely with the Special Rapporteur.

121. With regard to the refugee problem, New Zealand concurred with the Special Rapporteur's recommendation that all States in a position to do so should offer asylum and temporary refuge to those in imminent danger of death. For its part, New Zealand had accepted 50 ex-detainees from prison camps in Bosnia and Herzegovina and up to 150 members of their families. Immigration procedures were being eased for a further 150 relatives of New Zealanders of Yugoslav origin who had been affected by the civil war.

122. New Zealand would continue to give active support to all initiatives taken by the Commission on Human Rights to end the abuses in the former Yugoslavia. It wished to point out that nine New Zealand military observers were serving with UNPROFOR. As a member of the Security Council, it would seek to promote a negotiated settlement of the conflict and to ensure that the international response to the crisis was coordinated and effective. New Zealand also supported the continuation of the mandate of the Special Rapporteur and hoped that in future visits to the former Yugoslavia he would continue to draw on the expertise of other Commission mechanisms whose work was extremely relevant and which had already contributed greatly in the preparation of those reports.

123. Mr. DEMBINSKI (Observer for Poland) said that the convening of the second special session of the Commission on Human Rights, some 100 days after the first special session devoted to the human rights situation in the territories of the former Yugoslavia, proved that the situation continued to be alarming. The reports prepared by the Commission's Special Rapporteur, Mr. Mazowiecki, following his two missions to the former Yugoslavia, and in particular the third report (A/47/666), made the international community better aware of the gravity of the events that were occurring in that region and the scale of the policy of ethnic cleansing. The Special Rapporteur drew attention both to the political dimension of the situation and to the fate of the human beings confronted with it. His delegation noted with satisfaction the gradual implementation of his recommendations, which it fully supported. It appreciated in particular the ongoing and tireless efforts of the international humanitarian organizations to bring relief to the inhabitants of Sarajevo and other areas in need, the Security Council's decision to extend the mandate of UNPROFOR in Bosnia and Herzegovina, the establishment, pursuant to Security Council resolution 780 (1992) of an impartial Commission of Experts to examine and analyse the information concerning violations of international humanitarian law in the former Yugoslavia, the efforts of the Steering Committee of the International Conference on the Former Yugoslavia, co-chaired by Mr. Cyrus Vance and Lord Owen, and finally, the various forms of assistance extended by numerous countries and private organizations to the people in that subregion. Poland had received about 1,000 children from Bosnia and Herzegovina. Unfortunately, there had been a discrepancy between the efforts undertaken and the results achieved. Unimaginable atrocities and grave human rights violations continued on a large scale. The Muslim population in particular continued to be threatened with extermination and the unanimously condemned policy of ethnic cleansing continued without respite. The international community could not accept that situation and thereby encourage the perpetrators of those crimes to continue to commit them with total impunity; it had to face up to its responsibilities.

124. His delegation considered it essential that, in the draft resolution to be adopted at the end of the special session, stress should be laid on the need to end without further delay, the aggression, the ethnic cleansing, the human rights violations and the various forms of violations of international humanitarian law and, to that end, the need to find a political solution to the conflict being waged in the former Yugoslavia. At the humanitarian level, measures must be taken immediately to help those whose life was in danger with the onset of winter by opening humanitarian relief corridors, to protect those threatened by the policy of extermination by establishing safety areas in conformity with Security Council resolution 787 (1992) and to prevent the situation in Kosovo, Vojvodina and Sandjak from deteriorating by protecting the fundamental rights and freedoms of the non-Serbian population. Further, the situation called for concerted action by all organizations, institutions and individuals involved, improved coordination of efforts within the United Nations as well as between the United Nations and other intergovernmental and non-governmental organizations such as the CSCE and the ICRC and also for intensified efforts on the part of countries able to provide assistance to the population of the former Yugoslavia. It should be stressed that ethnic cleansing was an illegal and unacceptable practice and that the United Nations was bound to ensure that its victims could exercise their inalienable right to return to their homes. It should also be impressed on

the perpetrators of human rights violations that sooner or later, they would be brought to justice. The Commission of Experts should receive all the support it needed to ensure prompt and efficient action. The question of the setting up of an international court of criminal justice which was discussed by the International Law Commission and the Sixth Committee of the General Assembly had taken on urgency in the current context. Finally, there was a need to encourage and support organizations, groups and media struggling in Serbia and in other countries of the subregion for democracy and human rights, since without their contribution a durable and peaceful solution of the conflict would be unrealistic.

125. The Commission's second special session should in the final analysis conclude with the elaboration of an action-oriented programme. Poland, which had traditional and long-standing ties of friendship with the people of the former Yugoslavia reaffirmed its readiness to take part in international efforts to restore peace and respect for human dignity in the region.

126. Mr. CENKO (Observer for Albania) congratulated the Governments of the United States and Turkey on their initiative. It had been essential for the Commission to resume as a matter of urgency its consideration of the situation in the former Yugoslavia and more particularly in Bosnia and Herzegovina and to take appropriate decisions to end the horrors of Serbian aggression against sovereign States and to prevent it from spilling over into Kosovo, Sandjak and Vojvodina. A scorched earth policy had been applied in Bosnia and Herzegovina, which was now "cleansed" largely of the "non-Serbian" element. What had occurred there deserved to be described as genocide. There was every reason to believe that the same danger threatened Kosovo. Mr. Mazowiecki's report and other reports indicated that the process of "ethnic cleansing" had well and truly started. The process featured the large-scale dismissal of Albanian workers and their replacement by Serbs and Montenegrins, the expulsion of Albanians from their housing and its allocation to Serbs and Montenegrins, the discrimination suffered by Albanians in the field of education and the acts of police brutality directed against them, the distribution of weapons to Serbian and Montenegrin inhabitants and the political and arbitrary arrest and sentencing of Albanians. Those flagrant violations of human rights and national rights were part of a long-standing policy of repression, in conformity with the anti-Albanian Serbian tradition, with the objective of setting up a "Greater Serbia". The similarity between the Serbian practices introduced into Bosnia and Herzegovina just before the armed conflict broke out and the situation in Kosovo today demonstrated how urgent and imperative it was to take measures to end forthwith the Serbian repression of Kosovo whose sole and unique purpose was to change the ethnic structure of Kosovo for the advantage of the Serbs. Further proof of that was seen in the growing phenomenon of the Serbization of all streets, schools, enterprises and institutions with Albanian names. That anti-Albanian policy was based entirely on "special" laws which legalized the arbitrary dismissals, the discrimination based on ethnic origin, the limitation and in some cases the abolition of available remedies. The repression in education affected teachers and students alike; most schools were closed and tens of thousands of ethnic Albanian children and young people were denied the right to education in their mother tongue. Further, the Albanian population of Kosovo was constantly harassed by the Serbian police and numerous cases of torture leading to death had been reported. The incidents engineered by Serbian

forces in the course of which they had used their weapons and caused the death of a certain number of Albanians who were also portents of an explosion of the situation in Kosovo. The fact that the Serbian minority of Kosovo was continuing to arm itself, as had occurred in other regions of the former Yugoslavia, was also disturbing. Finally, in the legal sphere, minor offences were considered and tried as political offences when they were committed by Albanians and punished by very severe penalties.

127. The leaders of Kosovo and other regions of the former Yugoslavia in which Albanians resided had thus far managed to keep the situation under control and the Albanian population continued to show infinite patience, but neither one could continue to endure the systematic repression of the Serbian authorities for much longer. The situation would inevitably end in an explosion. To prevent the outbreak of hostilities, it was therefore essential to end Serbian repression and the policy of "ethnic cleansing" in Kosovo and, inter alia, to deploy United Nations peace-keeping forces on the frontier between Kosovo and Serbia and to prohibit flights in Kosovo's air space. It was also important that the Serbian authorities and the legitimate representatives of the Albanian population of Kosovo should begin negotiations on all remaining problems, including the question of the political status of Kosovo. Albania supported the efforts to achieve a negotiated solution of the Albanian question in the former Yugoslavia and it would not tolerate "ethnic cleansing" in Kosovo. Consequently, it urged the Commission to do its utmost to prevent the conflict from spreading into Kosovo, as if it did the conflict would not be a simple inter-ethnic one on the territory of a former State but a regional one with devastating consequences for the peoples of the Balkans as well as for peace and security in Europe.

128. In conclusion, he said that he believed that he had also responded to the baseless allegations made by Yugoslavia concerning his country.

The meeting rose at 9 p.m.